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In re Application of :
PENZO et al :
Application No.: 10/581,981 : DECISION ON
PCT No.: PCT/EP2004/013550 :
Int. Filing Date: 29 November 2004 : PETITION
Priority Date: 11 December 2003 :
Attorney's Docket No.: FE 6146 : UNDER 37 CFR 1.181
For: LIQUID PHASE PROCESS FOR :
POLYMERIZING OLEFINS :
:

This decision is in response to the "REQUEST FOR CORRECTED NOTICE... FILING RECEIPT," filed on 14 January 2008 which is being treated as a petition under 37 CFR 1.181 requesting that the 371(c)(1), (c)(2), and (c)(4) date of the above application be corrected to June 7, 2006.

BACKGROUND

On 07 June 2006, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1), and an executed declaration submitted under PCT Rule 4.17(iv).

On 14 February 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicants, inter alia, that an "Oath or declaration of the inventors, in compliance with 37 CFR 1.47(a) and (b), identifying the application by International application number and international filing date, and that the current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68. The Notice also stated that the items set above must be submitted within two (2) months from the date of this Notice or 32 months from the priority date of the application. Failure to properly will result in abandoned.

In response to the "NOTIFICATION OF MISSING REQUIREMENTS" mailed on 14 February 2007, applicants filed a letter transmitting missing requirements under 35 USC 371 on 06 March 2007, which included a copy of PCT Request that included the executed declaration.

On 08 August 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495" which informed applicants that the 371(c)(1), (c)(2) and (c)(4) and that the date of completion of all 35 U.S.C. 371 is 07 June 2007.

On 14 January 2008, applicants filed this petition indicating that the correct 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) date is 07 June 2006.

DISCUSSION

A review of the file indicates that the executed declaration was received at the USPTO on June 07, 2006 under PCT Rule 4.17(iv). Thus, the date of receipt of the declaration for the above application is 07 June 2006, which is the date that applicants satisfied the requirement under 35 U.S.C. 371(c)(4). Accordingly, this is the date that (c)(1), (c)(2), and (c)(4) requirements under 35 U.S.C. 371 have been satisfied.

DECISION

The petition under 37 CFR 1.181 is **GRANTED**.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed on **08 August 2007** is **VACATED** with the mailing of this decision.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **07 June 2006**.



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